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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,611	08/27/2003	William Robert Haas	100201037-1	8320

22879 7590 09/21/2005

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FORT COLLINS, CO 80527-2400

EXAMINER

PEIKARI, BEHZAD

ART UNIT	PAPER NUMBER
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2189

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/650,611

Applicant(s)

HAAS ET AL.

Examiner

B. James Peikari

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-17 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/27/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Head parking should be included.
3. The specification is objected to as not complying with 37 CFR 1.71(b), which requires that "The specification must set forth the precise invention for which a patent is solicited, in such manner as to distinguish it from other inventions and from what is old". The specification does not mention parking of disk drive heads in the background of the invention, whereas such was widely known at the time of the invention. The specification has been written in such a manner as to suggest that applicants have invented the concept of head parking, which is not the proper line of distinction from that which is old.

### ***Claim Objections***

4. Claims 4 and 8-13 are objected to because of the following informalities:
  - (a) Claim 4 is objected to because "to" should be deleted from line 2.

(b) Claims 8-13 are objected to because they do not properly explain whether “master-slave data management system” refers to a relationship between two or more processor or between two or more memories or some other combination thereof.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 and 11-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sedimayr et al., U.S. 5,761,166.

The claims discuss a sequence of events, but do not discuss what intervals or other events may occur between those events. In other words, the unparking of a second memory could happen at any amount of time after the parking of a second memory, etc. Thus, the claims would have been taught by the normal course of operations for *any* RAID system that utilized head parking for the disk drives. Sedimayr et al. is cited as just one example of many such systems. Note the parking discussed at column 5, lines 40-58.

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7. Claims 1-7 and 11-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fiske, U.S. 6,078,471.

The claims discuss a sequence of events, but do not discuss what intervals or other events may occur between those events. In other words, the unparking of a second memory could happen at any amount of time after the parking of a second memory, etc. Thus, the claims would have been taught by the normal course of operations for *any* RAID system that utilized head parking for the disk drives. Fiske is cited as just one example of many such systems. Note the parking discussed at column 7, line 62, to column 8, line 8.

8. Claims 1-7 and 11-17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ukani et al., U.S. 6,249,890.

The claims discuss a sequence of events, but do not discuss what intervals or other events may occur between those events. In other words, the unparking of a second memory could happen at any amount of time after the parking of a second memory, etc. Thus, the claims would have been taught by the normal course of operations for *any* RAID system that utilized head parking for the disk drives. Ukani et al. is cited as just one example of many such systems. Note the parking discussed at column 10, line 65, to column 11, line 33.

***Allowable Subject Matter***

9. Applicant is welcome to contact the examiner to discuss the subject matter of claims 8-10, for any clarification of the objection above. Claims 8-10 would be allowable if amended to overcome the objection.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Peikari whose telephone number is (571) 272-4185. The examiner is generally available between 7:00 am and 7:30 pm, EST, Monday through Wednesday, and between 5:30 am and 4:00 pm on Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim, can be reached at (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

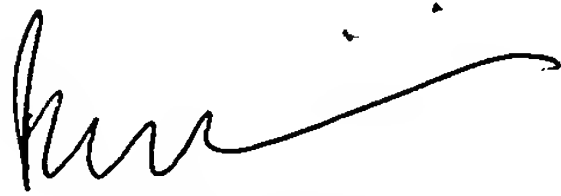
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you have questions on access to the Private PAIR system, contact the Electronic

Business Center at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'B. James Peikari', with a long, sweeping horizontal stroke extending to the right.

B. James Peikari  
Primary Examiner  
Art Unit 2189  
9/19/05